

DR 715-1-11

THE ARMY DEPARTMENT OF
Savannah District, Corps of Engineers
CESAS-CT P.O. Box 889
Savannah, Georgia 31402-0889

District Regulation
No. 715-1-11

31 October 1994

Duties and Responsibilities
CONTRACTING OFFICER REPRESENTATIVE (COR)

1. PURPOSE. This regulation establishes policy, procedures, and training requirements for the appointment of contracting officer representatives (COR's). This policy is intended to provide a better understanding of the responsibilities and duties of the COR.

2. APPLICABILITY. This regulation is applicable to all personnel who have been designated as contracting officer representatives (COR's) by contracting officers of Savannah District. This includes individuals designated as alternates to act only in the absence of the primary appointee.

3. REFERENCES. FAR, AFARS, EFARS, Subparts 1.6 and DFARS 201.6.

4. POLICY.

a. Selection and Appointment.

(1) All individuals designated as COR shall possess qualifications, experience and training commensurate with the complexity and dollar value of the acquisition.

(2) The using or requiring division is responsible to nominate responsible individuals for appointment eligibility as COR's. The nomination should be submitted to the Chief, Contracting Division with a resume of qualifications addressing the following:

(a) Name of designee.

(b) Rank or grade, title and position.

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- (c) Brief description of current duties.
 - (d) Civilian schooling and education.
 - (e) Military schools, training.
 - (f) Previous experience pertinent to COR duties.
 - (g) Type and duration of key positions held.
 - (h) Supervisor's comments on nominee's business acumen, personality traits and ethics which evidence nominee's suitability for appointment as a COR.
- (3) This nomination should be signed by the nominee's supervisor. The Chief, Contracting Division shall review and approve the nomination.
- (4) The nominee is then notified of eligibility for appointment as a COR. The user or requiring division then requests, by name, the appointment of a qualified individual as COR for specific contract(s).

b. Training requirements.

(1) Mandatory. The Savannah District COR course shall be completed prior to nomination. (When deemed necessary, a one-time waiver may be granted by the Chief, Contracting Division, or one level above the contracting officer, for a period not to exceed 180 days. Requests for such a waiver shall include documentation justifying the waiver.)

(2) Additional mandatory training requirements for personnel appointed as COR's in the engineering, sciences, resources and construction (ESRC) field are covered in Engineer Regulation 350-7-1(FR).

(3) Highly recommended training for all COR's.

(a) "Contracting Overview"

(b) "South Atlantic Division Documentation of Negotiated Contract Actions"

(c) "Contracting Fundamentals," formerly titled "Management of Defense Acquisition Contracts (MDACC) Basic" or the applicable contract administration courses offered through the Corps of Engineers program at Huntsville Division.

(4) Desirable training for all COR's. "Contract Law."

(5) Desirable training for COR's assigned to architect-engineer contracts. "Architect-Engineer Contracting Procedures and Negotiations" (PROSPECT).

(6) Desirable training for COR's assigned to operation and maintenance contracts. "Administration of O&M Contracts" (PROSPECT).

c. Authority and Limitations.

(1) Each COR designation or change thereto shall be in writing. A COR is normally designated by name.

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A separate designation shall be issued for each contract defining the scope and limitations of authority of the COR. Such designation shall remain in effect throughout the life of the contract unless revoked by the contracting officer or his successor.

(2) The COR authority is derived solely from the contracting officer. The COR must carefully observe the scope and limitations of delegated authority and must consult with the contracting officer when in doubt about a correct course of action to be taken.

(3) There is no specific guideline as to the number of contracts for which a COR may be responsible. Nor is there a requirement that an alternate COR must be designated for each contract. In these matters, the user or requiring division shall consult with the Contracting Officer.

(4) The COR may not redelegate his COR authority. However, the COR may be assisted in performance of his duties by qualified project management, technical and administrative assistants. A COR is responsible for those duties performed by technical and administrative assistants.

(5) The COR must be aware of the responsibility to act in the best interests of the Government and the need to work closely with the contractor and contracting officer to anticipate and resolve difficulties. The COR must objectively evaluate the contractor's performance and keep the contracting officer fully informed of progress, including all problems. A COR may be held personally accountable and/or liable for unauthorized acts.

(6) The COR shall not agree to, sign or award any contract modification, or in any way obligate the expenditure of money by the Government and shall avoid any action which the contractor might construe as authorization to alter, reduce, or increase the work required in the contract.

(7) COR's or other technical personnel who prepare scopes or statements of work for a contract and who will monitor and evaluate contractor performance after award shall not evaluate offeror's proposals in either formal source selection processes nor serve on technical evaluation panels for negotiated procurements without the written approval of the Chief, Contracting Division.

(8) A COR is not authorized to initiate procurement actions by the use of imprest funds, blanket purchase agreements, or other small purchase procedures, nor to award delivery orders under indefinite delivery/indefinite quantity contracts.

5. STANDARDS OF CONDUCT.

a. All personnel engaged in acquisition and contract administration must conduct business dealings with industry in a manner above reproach in every respect and must protect the U.S. Government's interest and maintain its reputation for fair dealings with contractors. DoD Regulation 5500.7R, the "Joint Ethics Regulation," sets forth the principles of ethical conduct for all personnel directly or indirectly concerned with contracting or related activities.

b. A COR having direct or indirect financial interests which would result in a conflict between his private interests and the public interests of the U.S. Government must advise his or her supervisor and the contracting officer of the conflict so that appropriate action may be taken.

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Further, a COR must avoid the appearance of such conflicts in order to maintain the public's confidence in the U.S. Government's conduct of business with the private sector.

6. RESPONSIBILITIES AND DUTIES OF THE COR.

a. The COR shall:

(1) Ensure that a postaward conference is held when necessary (mandatory for construction) to discuss all significant elements of the contract in sufficient detail to ensure that all parties fully understand the requirements of the contract.

(2) Verify that the contractor performs the technical requirements of the contract in accordance with the contract terms, conditions, and specifications using the quality assurance surveillance plan.

(3) Maintain liaison and direct communications with the contractor. Written communications with the contractor and other documents pertaining to the contract shall be signed as "Authorized Representative of the Contracting Officer" with a copy furnished to the contracting officer.

(4) Monitor the contractor's performance and notify the contractor of deficiencies observed during surveillance, and direct appropriate action to affect correction. Verify that corrective action has been taken. Record and report to the Contracting Officer incidents of faulty or nonconforming work, delays, or problems.

(5) Coordinate site entry for contractor personnel, as necessary, and ensure that any Government-furnished property is available when required.

(6) For construction and hybrid contracts where Davis Bacon Act labor rates are a part of the contract, the COR shall establish and maintain a labor standard surveillance program to ensure the contractor complies with prescribed pay scales. Where Service Contract Act wage rates are part of the contract, the COR shall ensure that the contractor has posted the current wage determination for all employees review.

(7) Where contractor-acquired and government furnished property (GFP) management are part of the contract requirements, the COR shall be further designated as "Property Administrator."

The requirements and limitations of authority for property administration are found at FAR Part 45 and DFARS Supplement No. 3. The COR/Property Administrator is responsible to review and approve the contractor's property control system and procedures and to record and report to the contracting officer results of all inspections of the property control system. Upon installation or incorporation of GFP or conclusion of the contract, the COR/Property Administrator is responsible to prepare a final status report for all GFP included in the contract.

(8) Accept or reject the product or service and promptly approve or disapprove payment requests. Perform contract quality assurance, by verifying through inspection or obtaining verification through inspection from other responsible parties as to the amount of work actually performed or the completeness and adequacy of services rendered as compared to that claimed for payment before approving an invoice. Results of inspections should be used as the basis of acceptance or rejection of supplies and services.

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(9) Must maintain a file for each contract assigned.

b. As COR you are not authorized to:

(1) Redelegate your COR authority in any way.

(2) Initiate or award, agree to, or sign any contract or contract modification thereto, or in any way obligate the payment of money by the Government.

(3) Make any commitments or changes that will affect price, quality, quantity, delivery, or any other term or condition of the contract.

(4) Authorize any waiver or deviation from the contract clauses.

(5) Direct the contractor to perform any work other than that required by the contract.

(6) Render a final decision under the "Disputes" clause.

(7) Approve final payment.

c. The duties and responsibilities set forth herein are not intended to be all-inclusive. As specific situations arise that have not been covered or that have created a question, the COR should consult with the contracting officer and obtain advice on how to proceed in the best interests of the Government.

7. COR FILES.

A COR is required to maintain adequate records to document the performance of his/her duties. A file must be maintained for the life of each contract assigned. This file must include, as a minimum:

- a. A copy of the contracting officer's letter of designation.
 - b. A copy of the contract and all modifications thereto.
 - c. A copy of the applicable quality assurance surveillance plan.
 - d. All correspondence initiated by the COR concerning performance of the contract.
 - e. Records of inspections performed and the results of corrective actions taken.
 - f. Memoranda for record or minutes of any pre-work or post-award conference.
 - g. Memoranda for record or minutes of any meetings or discussions with the contractor, or others, pertaining to the contract or contract performance.
 - h. Records about the contractor's quality control system and plan, and the results of the quality control effort.
 - i. Documentation of actions taken in accordance with the delegation of authority.
8. The contracting officer shall ensure that the COR files and activities are reviewed on an annual basis.
9. Responsibilities for the processes of contract administration are not limited to the individual COR appointees. There must be a supervisory as well as organizational commitment to the support of the contracting program(s) serving the mission requirements.

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It is the responsibility of the Contracting Division as program advisor and of the Human Resources Directorate (Training and Development) to assist organizational elements requiring COR's to comply with this regulation.

10. The proponent for this regulation is the Contracting Division. Any changes or deviations to the regulation must be coordinated through the Chief, Contracting Division.

WAYNE W. BOY
Colonel, Corps of Engineers
Commanding

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